

REMARKS

Claims 39-55 were rejected and remain pending. Claims 39 and 52-55 have been amended herein.

Claims 39 and 53-55 have been amended herein to remove "about 20 nucleotides" and recite that the autocatalytically cleaving ribozyme comprises SEQ ID NO:53 or SEQ ID NO:54. The sequence listing has been amended herein to include SEQ ID NO:53 and SEQ ID NO:54. Applicants' specification fully supports these amendments. The sequence disclosed in SEQ ID NO:53 is acgaugacauucugcugacc. The sequence disclosed in SEQ ID NO:54 is caucgucgucguugcgca. The sequences disclosed in SEQ ID NO:53 and SEQ ID NO:54 can be found in Figure 3. See also, for example, page 43, line 1 to page 44, line 2.

Claim 52 has been amended to provide antecedent language. Thus, no new matter has been added.

In light of the above amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 39-55.

Withdrawn rejections

Applicants acknowledge the withdrawal of rejections under 35 U.S.C. § 112, first paragraph and 35 U.S.C. § 102(e).

Rejections under 35 U.S.C. § 112

The Examiner rejected claims 39-55 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. However, the Examiner has provided no specific grounds for this rejection. Nevertheless, independent claims 39 and 53-55 have been amended to recite that the autocatalytically cleaving ribozyme comprises SEQ ID NO:53 or SEQ ID NO:54. As explained above, Applicants' specification fully supports the claimed invention. SEQ ID NO:53 and SEQ ID NO:54 are disclosed in Applicants' specification at, for example, Figure 3 and on page 43, line 1 to page 44, line 2. Thus, claims 39-55 are adequately described.

In light of the above, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

Rejections under 35 U.S.C. § 102(e)

The Examiner rejected claims 39-40 and 42-55 under 35 U.S.C. § 102(e) as allegedly being anticipated by Norris et al. (U.S. Patent Publication No. 2003/0125280; referred to as the '280 reference herein) for the reasons of record.

Applicants respectfully disagree. As presently amended, independent claims 39 and 53-55 recite that the autocatalytically cleaving ribozyme comprises SEQ ID NO:53 or SEQ ID NO:54. At no point does the '280 reference disclose such a nucleic acid. Thus, the '280 reference does not anticipate the presently pending claims.

In light of the above, Applicants respectfully request withdrawal of the rejection of claims 39-40 and 42-55 under 35 U.S.C. § 102(e).

Rejections under 35 U.S.C. 103(a)

The Examiner rejected claims 39 and 42-55 under 35 U.S.C. § 103(a) as being unpatentable over Norris et al. (WO 97/17433; referred to as the '433 reference) in view of Stinchcomb et al. (U.S. Pat. No. 5,599,706) for the reasons of record.

Applicants respectfully disagree. As discussed above, independent claims 39 and 53-55 recite that the autocatalytically cleaving ribozyme comprises SEQ ID NO:53 or SEQ ID NO:54. Neither the '433 reference nor the Stinchcomb et al. reference, alone or in combination, teach or suggest an autocatalytically cleaving ribozyme comprising SEQ ID NO:53 or SEQ ID NO:54. Moreover, the combination of cited references fails to provide any rationale for one having ordinary skill in the art to make or use an autocatalytically cleaving ribozyme comprising SEQ ID NO:53 or SEQ ID NO:54. Thus, the combination of cited references does not render the presently claimed invention obvious.

In light of the above, Applicants respectfully request withdrawal of the rejection of claims 39 and 42-55 under 35 U.S.C. § 103(a).

Applicant : James S. Norris et al.
Serial No. : 10/082,973
Filed : February 26, 2002
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CONCLUSION

Applicants submit that claims 39-55 are in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned agent at the telephone number provided if such would advance prosecution of this application. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 10/16/08

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